



U.S. Department
of Transportation
**Federal Aviation
Administration**

Denver Airports District Office
26805 E. 68th Avenue, Room 224
Denver, Colorado 80249
303-342-1250; FAX 303-342-1260

April 24, 2023

Chuck Darnell
Senior Planner
City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

RE: City of Lone Tree, CO - Referral Request: Lokal Homes at Lyric Condos & Townhomes

Dear Mr. Darnell:

The Federal Aviation Administration, Denver Airports District Office (FAA) was notified by the City of Lone Tree concerning the above referenced residential development. Due to the close proximity of this proposed development to Centennial Airport's Runway 17L/35R and Runway 17R/35L, FAA strongly opposes this proposed development because of the potential negative impacts this development may have on persons and property on the ground and the safety and utility of the National Airspace System.

Centennial Airport (APA) serves approx. 332,000 aircraft operations (a take-off or landing) per year and is utilized by a variety of aircraft, ranging from small, single-engine propeller airplanes up to large, jet aircraft. The airport is a Federally-funded, public use airport that is required by Federal law to remain open to all types of aircraft 24 hours a day, 7 days a week. APA plays a major role in the Colorado and national airport system.

The Federal Government has made a significant investment of public funds in Centennial Airport. Under the current Federal airport aid program, the FAA has provided over \$75 million in development and planning grants to this airport. This is in addition to Federal funds and resources invested in the construction, maintenance and staffing of a Federal air traffic control tower and aircraft navigational systems. This investment requires Arapahoe County, as the airport sponsor, to comply with specific Federal obligations, known as Federal grant assurances, which among many other requirements, requires the county to preserve and operate Centennial Airport in accordance with FAA regulations and standards and to protect the airport from non-compatible land uses. FAA considers residential development adjacent an airport to be a non-compatible land use (see FAA Order 5190.6B, Airport Compliance Manual, Chapter 20, *Compatible Land Use and Airspace Protection*).

The northern boundary of the proposed development is less than 2.5 miles from the end of Runway 35R, along the extended centerline of this runway. This means residents of the proposed development will be subject to ongoing aircraft noise and overflights of aircraft at low altitudes as aircraft approach and depart the airport, including training traffic using Runway 17R/35L.

The proposed development also is in-line with the flight path established by the FAA-owned Instrument Landing System (ILS) for Runway 35R. An ILS is a ground-based instrument approach system that allows

a pilot to approach and land safely on a runway during times of poor visibility. Due to the precision of the ILS and FAA training requirements, many pilots use the ILS approach even if the weather is clear or during the daytime, making this approach one of the more popular and busy flight paths into Centennial Airport. As such, the FAA has invested considerable resources into building and maintaining this system.

As a consequence of aircraft overflights, residents would be subjected to considerable “single-event” noise impacts from aircraft overflights, which residents are particularly sensitive to during nighttime hours. In addition, there could be visual (perceptual) impacts from aircraft operating into and out of the airport. While these types of operations represent safe and typical flight procedures, it may be disconcerting to many people due to a perceived hazard of low flying aircraft.

Although the frequency of aircraft accidents is comparatively very low, the numbers of aircraft using the concentrated airspace of airport approach and departure areas, together with the complexities of takeoff and landing operations, does mean that accidents are proportionately higher in those areas than in other locations farther away from airports. This is one of the main reasons that the congregation of people is strongly discouraged under airport traffic patterns and approach and departure areas. The proposed development is underneath the Runway 35R approach surface as well as APA’s conical and transitional surfaces.

Further, there is no guarantee that noise contours at the proposed development will remain the same. While the proposed development is currently outside the 65 dnl noise contour, it is close enough to APA that any change to aircraft operations, and the type of aircraft that use the airport, could readily increase the amount of aircraft noise and overflight over the proposed development. Please be aware FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with this proposed development, including the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility due to obstructions to flight paths or noise-related incompatible land use caused by residential construction development too close to the airport. For these reasons, FAA requires Federally obligated airport sponsors to restrict residential encroachment near their airports, including the adoption of zoning requirements to restrict non-compatible land uses in an area surrounding the airport. Such zoning requirements also ensure compliance with Colorado state laws that require governmental entities with zoning and build permit authority, such as the City of Lone Tree, to address safety, noise and compatible land uses around airports (see Colorado Revised Statute 24-65.1-202, Criteria for Administration of Areas of State Interest, and 43-10-133, Safe Operating Areas Around Airports).

Moreover, the City of Lone Tree is a member of the Centennial Noise Round Table Committee and its representatives on the committee are well aware of local communities concerns with aircraft noise and the thousands of noise complaints the Centennial Airport receives every year from individuals that live under the airport’s flight paths. To prevent further conflict, it would seem in the City’s best interest to protect the welfare of its citizens by restricting residential development in Centennial Airport’s approach and departure areas.

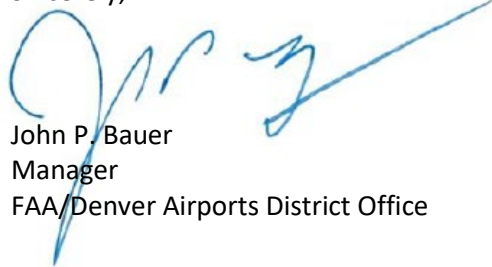
In accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and Colorado state law, the City of Lone Tree also must ensure the developer of the proposed development requests an airspace analysis to determine potential aeronautical hazards in advance of construction to prevent or minimize the adverse impacts to the safe and efficient use of navigable airspace. In particular, multi-storied buildings in the proposed development must be analyzed to determine to if they need to be lowered and/or lighted with obstruction lights.

FAA reviews construction proposals through the submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. If any portion of the proposal is located within 20,000 feet of a public use runway (and breaks a 100:1 plane coming off the nearest point of the nearest runway); or, is more than 200 feet above ground level at any location, the FAA requires the project's proponent to file a Form 7460-1. If the proposal does not meet any of the criteria above, it may still be necessary to file a Form 7460-1 if the structure requires an FCC license or there is a potential for navigational equipment interference. The FAA uses information provided on this form to conduct an aeronautical review to determine if the proposal will pose an aeronautical hazard and to minimize the adverse effects to aviation. FAA Form 7460-1 can be filed electronically at www.oiaaa.faa.gov.

For the reasons discussed above, the FAA cannot support the construction of residences so close to Centennial Airport. We recommend the City of Lone Tree not approve this development as proposed and explore alternative uses of this land that better conform with Federal, state and industry recommendations for compatible land uses near airports.

If you have questions regarding the above comments or would like to meet to discuss our concerns, please contact me at (303) 342-1259.

Sincerely,



John P. Bauer
Manager
FAA/Denver Airports District Office